

Claims

1. A method of interactively establishing a dispute resolution procedure, comprising the steps of:

5 (a) obtaining agreement of two or more parties to resolve a dispute;
 (b) receiving preferences from each of the two or more parties for procedures to be followed in resolving the dispute;
 (c) determining whether the preferences of the two or more parties for the procedures are consistent; and

10 (d) if the preferences of the two or more parties for one of the procedures are not consistent, prompting one or more of the two or more parties for amended preferences.

2. The method of claim 1, further comprising the step of resolving the dispute in accordance with the procedures upon which the preferences of the two or more parties are consistent.

15 3. The method of claim 1, wherein steps (a), (b) and (d) are performed via a communications network.

20 4. The method of claim 3, wherein step (d) further comprises:
 via the network, receiving the amended preferences of the two or more parties;
 and
 determining whether the amended preferences are consistent.

25 5. The method of claim 1, wherein a preference comprises an agreement to utilize a procedure or a refusal to utilize the procedure.

6. The method of claim 5, wherein the preference further comprises an expression of a maximum willingness to pay for a portion of a total cost of adhering to the procedure.

7. The method of claim 6, wherein the expression of a maximum willingness to pay is expressed as a maximum percentage of the total cost of adhering to the procedure.

8. The method of claim 7, wherein the preferences of the two or more parties for the procedure are consistent if:

all of the preferences comprise agreement to utilize the procedure; and

a sum of the maximum percentages of the total cost of adhering to the procedure which each of the two or more parties are willing to pay is greater than or equal to 100%.

10 9. The method of claim 7, wherein the preferences of the two or more parties for the procedure are inconsistent if:

at least one of the preferences comprises refusal to utilize the procedure; or

a sum of the maximum percentages of the total cost of the procedure which each of the two or more parties are willing to pay is less than 100%.

15 10. The method of claim 8, wherein:

a “benchmark percentage” equals 100% divided by the number of parties to the dispute;

a “below-benchmark party” is a party willing to pay a maximum percentage of the total cost of adhering to the procedure which is less than the benchmark percentage; and

an “above-benchmark party” is a party willing to pay a maximum percentage of the total cost of adhering to the procedure which is equal to or greater than the benchmark percentage.

25 11. The method of claim 10, wherein, if the preferences of the two or more parties for the procedure are consistent, and all of the parties are above-benchmark parties, each of the two or more parties pays the benchmark percentage of the total cost of adhering to the procedure.

30 12. The method of claim 10, wherein, if the preferences of the two or more parties for the procedure are consistent, and one or more of the two or more parties are below-

benchmark parties, the party with a lowest maximum willingness to pay, pays the maximum percentage of the total cost of adhering to the procedure which it is willing to pay.

5 13. A system for interactively establishing a dispute resolution procedure, comprising:

at least one host computer; and

a website coupled to the host computer, the website being accessible to two or more parties, the website comprising an input mechanism adapted to receive input from 10 the two or more parties regarding preferences of the two or more parties for one or more procedures to be followed in arbitrating the dispute;

wherein, via the website, the two or more parties may negotiate and agree upon a set of rules for resolving the dispute.

15 14. A program stored on a computer-readable medium which, when executed, performs the steps of:

(a) receiving preferences from each of the two or more parties for procedures to be followed in resolving the dispute;

(b) determining whether the preferences of the two or more parties for the 20 procedures are consistent; and

(c) receiving amended responses from the two or more parties if the preferences of the two or more parties are not consistent.

15. The program of claim 14, wherein the program also performs the step of notifying 25 a neutral to resolve the dispute in accordance with the preferences of the two or more parties if the preferences of the two or more parties are consistent.

16. A program stored on a computer-readable medium which, when executed, performs the steps of:

30 (a) receiving preferences from each of two or more parties to a dispute for procedures to be followed in resolving the dispute; and

(b) determining whether the preferences of the two or more parties for the procedures are consistent.

17. The program of claim 16, wherein the program also performs the steps of:

5 (c) receiving amended responses from the two or more parties if the preferences of the two or more parties are not consistent; and

(d) notifying a neutral to resolve the dispute in accordance with the preferences of the two or more parties if the preferences are consistent.

10 18. The method of claim 1, further comprising the step of generating a contractual agreement embodying the preferences of the two or more parties for procedures to be used to resolve the dispute.

15 19. A method of interactively establishing a dispute resolution procedure, comprising the steps of:

(a) receiving preferences from two or more parties for procedures to be followed in resolving the dispute;

(b) determining whether the preferences of the two or more parties for the procedures are consistent; and

20 (c) if the preferences of the two or more parties for one of the procedures are not consistent, prompting one or more of the two or more parties for amended preferences.